

PHILIP CHAMBERS, Sworn for the State. I worked at the National Pencil Company on Forsyth Street under Leo M. Frank as superintendent, as office boy from the 20th of December, 1912, until about a week before J. M. Gantt left the National Pencil Company's place of business. I think it was about three weeks before Mary Phagan was killed when Mr. Gantt quit. I knew H. F. Becker. He was the master mechanic of the National Pencil Company. He had his office on the top floor. Before I went into the office as office boy in 1912, I worked up on the top floor in the paint department for about a year. Mr. Becker quit the pencil company pretty soon after I went down to the office. I was present in the office when Becker's desk was brought down from the fourth floor and placed in Frank's office. Frank used the same for his desk because Becker's desk was larger than the desk that Frank was using. Frank moved the desk which he was using over in the other corner, so that Darley could use that. All of the books and papers and everything that was in the Becker desk was taken out of the same in the office next to Frank's office where the supplies were kept. Among other papers taken off of Becker's desk when that desk was placed in Frank's office were old order blank books. There were approximately a dozen. Attached hereto and marked Exhibit "A" and made a part hereof is a book which was exactly like these books taken out of Becker's desk, except that nearly all of the books like this were already used, that is, Becker had written on most of them and kept the carbon copies. These used carbon copy order blank books remained there in that office up until the time I left. In the course of my duties I had frequently to go down into the basement in the factory and I know that no trash, books or papers were ever left down there in that basement floor any length of time, but same were always burned up. The practice was to take the trash down in little push carts, put it right in front of the furnace and burn it up. I never did see any of these order blank books among it. After Becker left, all of these order blanks were handled by Frank and when he would use up a book he would always turn it over to me to file, and I always filed these books in the outer office in the pigeon holes close to the place where all of Becker's old order books were kept. The order books which I helped to take off of Becker's desk were loose. They were not tied up.

(Accompanying this affidavit is a new, unused book of order blanks, with white and yellow sheets alternating. The date line on said order blanks is as follows: "Atlanta, Ga. _____ 191 ")

J. M. GANTT, Sworn for the State. I was present at the dictation of the affidavit this day made by Philip Chambers, and where it refers to me is true. I know Leo M. Frank and know that he personally knew Mary Phagan and know that he called her by the name "Mary". I was present in the office when the desk used by Becker on the fourth floor was moved down into Frank's office. Frank set aside his desk and put it over in a corner of his office and used as his own desk, from the time Becker left until the time I left, the desk which Becker had previously been using. I helped Chambers take the papers in Becker's desk out and Chambers and myself placed all these papers in the office next to Frank's private office. These papers were within ten feet of Frank's desk. Among other papers were quite a number of order blank books, similar to the one which is attached as Exhibit "A" to Chambers' affidavit. These carbon copy order blank books remained in the place where they were placed by Chambers and myself from the time Becker left until the time I left there. All the time I was there, the only man who ever had charge of any order blank books was Frank. The uniform practice was to keep all order blanks. The books used by Leo M. Frank were always filed in the office adjoining the office occupied by Frank. I was frequently down in the basement. At no time did I ever see any scratch pads or blank order books in the basement anywhere. The uniform custom and practice was to take daily the trash on the elevator down into the basement and have it immediately burned into the furnace. I saw the trash daily that went to [the] basement. I never did see any scratch pads or order blank books sent down there. During Christmas week, an inventory was taken, and a general cleaning up was had. Frank personally requested me at that time to go down into the basement and see that the trash swept up and carried down into the basement was burned up. I did that. In the trash taken down into the basement at this time there was not one single order blank book, as far as I know or could see. All of the trash moved down into the basement at the general cleaning up, Christmas, 1912, was burned up as per Frank's instructions.

Handwritten text: *Certain it is that all the Becker books taken out of Becker's desk and put in the office adjoining Frank's office were there after the general [illegible] was there when I quit April 5, 1913.*

R. A. DEVORE, Sworn for the State. I am a photographer. I have charge of the finishing department of the A. K. Hawkes Company. Some time immediately after the murder of Mary Phagan, Hugh M. Dorsey, the Solicitor General brought the original notes to me for the purpose of having same photographed. Attached hereto and marked Exhibit "A" is one of the first photographs which I made of the order blank note. At Mr. Dorsey's request, I sent to the Eastman Kodak Company, Rochester, N.Y. and secured what is known as a color plate, the purpose being to develope [sic], as far as possible, the number. Attached hereto and marked Exhibit "B" is the photograph produced by me by the use of said color plate. Furthermore by the use of this color plate and lenses and powerful magnifying glasses, which I had examined as carefully as I could, the original note and the photographs made thereof. From an examination of said note and the photographs made by the use of the color plate, in my opinion the number of the order blank note is "1818" Mr. H. A. Alexander, an attorney at law, in this city, showed to me the photograph of this note attached to a pamphlet which he has been distributing with reference to the Frank case, with reference to the notes found by the body of Mary Phagan. It is evident that this is a photograph of the original note, or of a photograph of the one which has been touched up in certain places. Mr. Alexander himself admitted to me that he had the engraving company to touch up the same in certain places. He said that this touching up was done for the purpose of eliminating the dirty background, and to bring out the writing more clearly.

(Exhibit "A" attached to this affidavit is a photographic copy of one of the original notes found by the body of Mary Phagan, which was written on an order blank. The order number is very indistinct on this. Exhibit "B" is a photographic copy of the same note with the [sic] order number brought out more clearly, Exhibit B being an exact copy of the State's exhibit Z, appearing on page 252 of the Brief of the Evidence, filed in the Supreme Court.

HENRY A. ALEXANDER, Sworn for the State. The engravers plates used in the printing of the pictures of the two murder notes in my pamphlets distributed to the public in February and March, 1914, were the identical plates without alteration, change or retouching of any kind whatsoever that were used in the printing of the same notes in the printed copy of the brief of evidence of said case filed in the Supreme Court of Georgia and accepted as correct pictures of said notes both by the defense and by

the State. The picture of the yellow note on which the order number in question was shown appeared in said brief of evidence on page 253 of said printed brief. Said brief of Evidence was printed by the Foote & Davies Company, of Atlanta, Ga. prior to December 15, 1913, when it was delivered, and the plate of said yellow murder note was made by the Southern Engraving Company some time prior to that date. I had nothing whatever to do with the making of the photographs or of the plate of said yellow murder note. The pamphlet referred to was written and distributed in the months of February and March, 1914, a month and a half after said plates had been made. It was also printed by the Foote & Davies Company, and I simply got permission of the attorneys for the defense to use said plate which had remained in the possession of Foote & Davies and was still in their possession. I neither admitted or stated to R. A. DeVore or to any other person that I had had the engraving company to touch up said plate in certain places, nor did I state to said DeVore or to anyone else that this touching up was done to eliminate the dirty background or to bring out the writing more clearly or for any other purpose. At the time said pamphlet was printed, the question of Becker's signature and the invoice number had not been suggested.

H. W. OATTIS, Sworn for the State. I am connected with the fire department of the city of Atlanta, in the capacity of fire inspector and have been serving in this capacity as fire inspector since February 1, 1910. I am familiar with the building on South Forsyth Street, partially occupied by the National Pencil Company. It was my duty to make frequent inspections of this building from time to time to see that those in charge complied with the ordinances and regulations as to fire risks and hazards. I frequently did make, from time to time such inspections, including the basement of this building, owing to the fact that this building was an old one, and in this basement was a furnace. I am personally acquainted with Leo M. Frank and also with Mr. Darley, both of whom were connected with the National Pencil Company. From time to time I called their attention to the fact that they were failing to comply with the city ordinances and especially as to accumulation of trash and paper and other combustible material and I have personally heard both Mr. Frank and Mr. Darley give specific directions to their negro employees to clean up this trash and to keep it cleaned up. I have compelled the officials, including Mr. Frank

and Mr. Darley, through their employees to clean up the basement of the factory in compliance with the ordinance of the City of Atlanta, Code section 1099. Pursuing the terms of the said ordinance, I did inspect from time to time the basement of the National Pencil Factory during the period prior to April 26, 1913, and from the date indicated, that is from and about February 1, 1910, regularly and continuously up tp [sic] April 26, 1913 and since that date. Mr. Frank took up with me the matter of being allowed to place empty boxes for shipping, temporarily in the basement, which was allowed, provided these boxes would only remain a short time to go out as they were needed in shipping and to be so arranged and stacked regularly as not to prevent the cleaning of the basement of paper, trash or other combustible material. I can be positive that the basement of the National Pencil Factory was cleaned of trash, paper and other combustible material between January 1, 1913, and April 26, 1913, and I can also be positive that the basement of the factory was not allowed to have stored therein papers. I have examined the order book marked Exhibit A of the National Pencil Factory attached to the affidavit of Mr. Phillip Chambers, dated April 20, 1914, and I can say to the best of my knowledge and belief that I never saw any such books or similar paper material in the basement of the National Pencil Factory, and if I had so seen same, or any other paper located therein, I would have ordered it removed at once.

(The following is a certified copy of City Ordinance, Section 1099, referred to in the above affidavit.)

"CODE OF THE CITY OF ATLANTA,

Page 311, Section 1099.

Sec. 1099. Combustible matter in Building, Cellars, or Yards to be removed... Inspection by Chief of Fire Department - No person shall be permitted to place and let remain in any box, barrell [sic] or otherwise, in any building, cellar, street, alley-way, or yard within the fire limits, longer than six hours, any loose straw, hay, paper or other combustible matter; and all owners or occupants of buildings or cellars within said limits are hereby required to permit the chief of the fire department, or any member thereof designated by him, or any officer or member of the police force, to inspect their buildings, cellars and premises, to see if this ordinance is being complied with. And it is hereby made the duty of the Chief of the Fire Department, and of the police force to make such inspection.

STATE OF GEORGIA,
COUNTY OF FULTON,

CITY OF ATLANTA.

I, Walter Taylor, Clerk of Council of the City of Atlanta, a municipal corporation, in said County, under the laws of said State, do hereby certify that I am the Clerk of Council of the City of Atlanta as aforesaid, and that as such I have in my custody and care the laws, ordinances and records of legislation of the said City of Atlanta, including the Code of the City of Atlanta, in which are codified the ordinances of the City of Atlanta, in force; that the above and foregoing is a true and correct copy of section 1099 of the Code of Atlanta of 1910, as same appears of record and file in my office as such Clerk of Council. In witness whereof I have hereunto set my official hand and seal this the twenty third day of April, 1914. Walter Taylor, Clerk of Council of the City of Atlanta." (Seal)